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TO: City Planning Commission

FROM: M Rory Bolger, Staff
Roland Amarteifio, Staff

RE: **Zoning Ordinance text amendment, Chapter 50 of the 2019 Detroit City Code – to update definitions, regulations, and procedures relative to child care facilities for consistency with updated State law and to broaden the opportunities for such facilities on a by-right or conditional basis.**

DATE: June 23, 2023

On June 29, 2023, the City Planning Commission (CPC) will hold a 6:00 PM public hearing to consider revisions to Chapter 50, *Zoning*, of the 2019 Detroit City Code, regarding child care facilities.

BACKGROUND

The Mayor’s Office of Early Learning has proposed a major update to the Detroit Zoning Ordinance relative to family day care homes, group day care homes, and child care centers based on its findings that Detroit is widely underserved by such facilities. This coincides with a greater emphasis on child care at the federal and state level and expanded availability of State resources.

Detroit has long permitted “child care centers” and in 1989, first allowed in-home day care for family day care homes for 1-6 minor children on a by-right basis. Group day care homes for 7-12 minor children were allowed in 1990 on a conditional basis in higher density residential districts. In 2021, group day care homes were newly permitted on a conditional basis on land zoned R1 (Single-Family Residential District) and R2 (Two-Family Residential District).

The Office of Early Learning has found that the \$1,000 filing fee for conditional uses has been a major impediment to the establishment of group day care homes.

TYPES OF CHILD CARE FACILITIES

Child care centers

A facility, other than a private residence, receiving 1 or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child.

Child care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a

child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.

Child care center does not include any of the following:

(i) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than 3 hours per day for an indefinite period or for not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.

(ii) A facility operated by a religious organization where children are in the religious organization's care for not more than 3 hours while persons responsible for the children are attending religious services.

(iii) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.

(iv) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

(v) A program that primarily provides therapeutic services to a child.

Family day care home

A day care establishment located within a permitted private residential home in which at least 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family day care home does not include an individual providing babysitting services for another individual.

Group day care home

A day care establishment located within a permitted private residential home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household. Group day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

SCOPE OF THE ORDINANCE

The proposed text amendment proposes the following:

- to update the **definitions** of “family day care home,” “group day care home,” and “child care center” for consistency with recent amendments to State law (*Sec. 50-16-152, Sec. 50-16-201, Sec. 50-16-222*).
- to allow **child care centers** on a conditional basis in the R1 and R2 Districts where they are currently prohibited, provided they operate as accessory to a “public, civic, or institutional” use that is permitted in the district (*Sec. 50-8-21(2), Sec. 50-8-51(2), Sec. 50-12-43, Sec. 50-12-512(b)*);
- to allow **child care centers** on a by-right basis in the PR (Parks and Recreation) District where they are currently prohibited (*Sec. 50-11-145(1), 50-12-43*);
- to allow **family day care** homes on a by-right basis in the B1, B2, B4, MKT, and SD2 Districts where they are currently prohibited (*Sec. 50-9-15(4), Sec. 50-9-45(4), Sec. 50-9-105(6), Sec. 50-11-205(2), Sec. 50-11-265(4), Sec. 50-12-43*);
- to allow **group day care** homes on a by-right basis in the R1, R2, R3, R4, R5, R6, and SD4 Districts where they are currently a conditional use (*Sec. 50-8-15(2), Sec. 50-8-21(3), Sec. 50-8-45(2), Sec. 50-8-51(3), Sec. 50-8-75(4), Sec. 50-8-81(4), Sec. 50-8-105(4), Sec. 50-8-111(3), Sec. 50-8-135(5), Sec. 50-8-141(4), Sec. 50-8-165(5), Sec. 50-8-171(4), Sec. 50-11-291(7), Sec. 50-11-297(4), Sec. 50-12-43*);
- to allow **group day care** homes on a by-right basis in the B1, B2, B4, B5, and SD1 Districts where they are currently prohibited (*Sec. 50-9-15(5), Sec. 50-9-45(5), Sec. 50-9-105(7), Sec. 50-9-135(8), Sec. 50-11-235(6), Sec. 50-12-43*);
- to prohibit **group day care** homes in “multiple-family dwellings,” “lofts,” and “residential uses combined in structures with permitted commercial or industrial uses” (*Sec. 50-12-185(b)*);
- to require child care centers to provide 100 square feet of **outdoor play area** per child or 1,200 square feet, whichever is greater, where 2,000 square feet of outdoor play area are currently required (*Sec. 50-12-183(2)*);
- to allow for the consideration of suitable **outdoor play areas** at child care centers that are not immediately adjacent to the center (*Sec. 50-12-183(4)*);
- to eliminate the portion of the **off-street parking** requirement for child care centers based on the capacity of the center while retaining the portion of the requirement based on the number of employees (*Sec. 50-14-39*);
- to extend the applicability of certain **noise** standards to protect child care facilities (*Sec. 50-14-587*)

CPC STAFF FINDINGS

The three different types of child care facilities are found in a variety of zoning districts as indicated in the table below:

Zoning District	Family Day Care Home	Group Day Care Home	Child Care Center
R1	73	50	75
R2	12	10	49
R3	4	1	0
R4			1
R5		1	17
R6			4
B1			2
B2			30
B3			5
B4			80
B5			5
B6			1
M4			9
PD			11
PC			1
SD2			3
TOTAL	89	62	302

The 89 family day care homes and the 62 group day care homes are not distributed evenly across the city of Detroit as indicated in the map below:

Licensed Family & Group Homes in Detroit



